APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,160	06/20/2000	Takayuki Sugahara	1994/00007	5142

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EXAMINER
HOFFMAN, BRANDON S

ART UNIT	PAPER NUMBER
2136	9

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)
Office Action Summary	09/597,160		SUGAHARA, TAKAYUKI
	Examiner		Art Unit
	Brandon Hoffman		2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 April 2004</u> .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

　　If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____ .

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

　　a)☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

DETAILED ACTION

Rejections

1.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2.   <u>Claims 1-8</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Sun et al.</u> (U.S. Patent No. 6,678,389) in view of <u>Miyahara et al.</u> (Japanese Publication No. 2000-013765), and further in view of <u>Yoshida et al.</u> (U.S. Patent No. 6,449,378).

Regarding <u>claims 1, 4, 5, and 8</u>, <u>Sun et al.</u> teaches a recording apparatus/method of an electronic watermark comprising:

- Extracting means for extracting a part of the contents data from the original contents data (col. 2, lines 1-7),
    - o Wherein the part of contents includes only a part of the first electronic watermark signal/excludes the first electronic watermark signal (it is inherent that by extracting a portion of the contents, part of the embedded data may or may not exist);
- Inserting means for inserting a second electronic watermark signal having a content that is equivalent to that of the first electronic watermark signal detected by said detecting means in the contents data extracted by said extracting means (col. 2, lines 7-12); and

- Outputting means for outputting the original contents data that is inserted with said second electronic watermark signal (fig. 1, ref. num 118).

Sun et al. does not teach means for detecting a first electronic watermark signal from original contents data inputted, wherein the first electronic watermark signal is intermittently recorded during every interval of a plurality of information units of the original contents data.

Miyahara et al. teaches:

- Means for detecting a first electronic watermark signal from original contents data inputted (fig. 1, ref. num 11) and

- Memory means for storing the first electronic watermark signal detected by said detecting means (fig. 1, ref. num 12).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine detecting a first watermark and storing the watermark, as taught by Miyahara et al., with the method/apparatus of Sun et al. It would have been obvious to combine detecting a first watermark and storing the watermark, as taught by Miyahara et al., with the method/apparatus of Sun et al. because the stored detected watermark provides a calculation value that is determined by the stored watermark. In other words, the stored watermark is used as a reference value to discover subordinate information (see abstract of Miyahara et al.).

Although the combination of Sun et al. in view of Miyahara et al. stores the detected watermark for calculating an evaluation value for detecting subordinate information, the concept of reapplying a cryptographic technique to data is very common. For example, a data file has a checksum calculated and appended to the data, and then it is transmitted. If the data was only a portion of the original data and the same checksum algorithm was applied to the portion of data, a valid checksum would still be calculated, appended, and then transferred.

Sun et al. as modified by Miyahara et al. still does not teach wherein the first electronic watermark signal is intermittently recorded during every interval of a plurality of information units of the original contents data.

Yoshida et al. teaches wherein the first electronic watermark signal is intermittently recorded during every interval of a plurality of information units of the original contents data (col. 1, ref. num 55-62).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine another inserting means for receiving an intra-coded picture location signal from the MPEG encoder means, wherein the inserting means records the first electronic watermark signal in case the original contents data is an intra-picture, as taught by Yoshida et al., to the method/apparatus of Sun et al./Miyahara et al. It would have been obvious to combine another inserting means for

receiving an intra-coded picture location signal from the MPEG encoder means, wherein the inserting means records the first electronic watermark signal in case the original contents data is an intra-picture, as taught by <u>Yoshida et al.</u>, with the method/apparatus of <u>Sun et al./Miyahara et al.</u> because inserting an electronic watermark in case the original contents data is an intra-coded picture would allow the watermarking process to be much faster.

The intra-coded pictures are assigned at the beginning of each 15-frame GOP (group of pictures) (Yoshida, column 1, lines 55-62). By watermarking only the intra-coded frames, the other 14 frames in a group of pictures (GOP), based on their dependency on the intra-coded frame, are watermarked. This saves a significant amount of time in comparison to watermarking all 15 frames in a GOP.

Regarding <u>claims 2 and 6</u>, the combination of <u>Sun et al.</u> as modified by <u>Miyahara et al.</u> and <u>Yoshida et al.</u> teaches further comprising:

- Deciding means for judging whether or not the second electronic watermark exists (see fig. 1, ref. num 11 of Yoshida et al.); and
- Switching means for switching an output in accordance with a result of judgment by said deciding means (see fig. 2, ref. num 21 of Yoshida et al.).

Regarding <u>claims 3 and 7</u>, the combination of <u>Sun et al.</u> as modified by <u>Miyahara</u> <u>et al.</u> and <u>Yoshida et al.</u> teaches further comprising:

- MPEG encoder means (see col. 1, lines 19-22 of Yoshida et al.),

- MPEG decoder means (see col. 2, lines 14-27 of Yoshida et al.), and

- Another inserting means for receiving an intra-coded picture location signal from the MPEG encoder means, wherein said inserting means records the first electronic watermark signal in case the original contents data is an intra-picture (see col. 1, lines 55-62 of Yoshida et al.).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Hoffman whose telephone number is 703-305-4662. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

BH

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